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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11  
12 **JULIO MAYEN**

13 Plaintiff,  
14

15 vs.

16  
17  
18 **BANK OF AMERICA, N.A., and**  
19 **RECONTRUST COMPANY, N.A.**

20 Defendants,  
21  
22  
23

Case no. 13-cv-2080-MMA-BGS

**PLAINTIFF'S CORRECTED  
REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF PLAINTIFF'S  
NOTICE OF MOTION AND  
MOTION FOR  
RECONSIDERATION**

**JURY TRIAL DEMANDED**

24  
25 **PLAINTIFF'S CORRECTED REQUEST FOR JUDICIAL NOTICE IN**  
26 **SUPPORT OF PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR**  
27 **RECONSIDERATION**  
28

1 Pursuant to Federal Rule of Evidence 201 of the Federal Rules of Evidence,  
2 Plaintiff Julio Mayen request that the Court take judicial notice of the following  
3 facts and evidence.  
4

5  
6 1. Under Rule 201, facts that are appropriate for judicial notice are those that  
7 “are not subject to reasonable dispute in that it is either (1) generally known within  
8 the territorial jurisdiction of the trial court or (2) capable of accurate and ready  
9 determination by resort to sources whose accuracy cannot reasonably be  
10 questioned.” Fed. R. Evid. 201(b). Facts subject to judicial notice may be  
11 considered on motion to reconsider. A court shall take judicial notice if requested  
12 by a party and supplied with the “necessary information.” FRE 201(c).  
13  
14  
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16  
17 Judicial Notice is appropriate for information obtained from governmental  
18 websites. See *Cota v. Maxwell-Jolly*, 688 F. Supp. 2d 980, 998 (N.D. Cal. 2010),  
19 Paralyzed Veterans of Am. v. McPherson, 2008 U.S. Dist. LEXIS 69542, 17-18  
20 (court took judicial notice if information appearing on and printed from official  
21 government website.  
22  
23

24 2. As set forth herein, the following documents requested to be judicially  
25 noticed are not subject to reasonable dispute, in that they are “capable of accurate  
26 and ready determination by resort to capable sources whose accuracy cannot be  
27  
28

1 reasonably questioned, within the meaning of Fed. R. Evid. 201(b), *see Wietschner*  
 2 *v. Monterey Pasta Co.*, 294 F. Supp. 2d 1102, 1108 (N.D. Cal 2003)(taking judicial  
 3 notice of a press release issued by the Securities and Exchange Commission).  
 4 “judicial notice is appropriate for SEC filings, press releases ,and accounting rules  
 5 as they are ‘capable of accurate and ready determination by resort to sources whose  
 6 accuracy cannot be reasonably questioned.’” *In re Network Assocs. Sec. Litig.*, 2003  
 7 U.S. Dist. LEXIS 14442, \*2 n.3 (N.D. Cal. Mar. 25, 2003) (citing Fed. R.  
 8 Evid. 201(b)). These documents are matters of public record and therefore are  
 9 judicially noticeable.

10 namely:

- 11 a. The records of the Security Exchange Commissions official internet website  
 12 search engine commonly known as “EDGAR” located at:  
 13 <http://edgar.sec.gov/search/search.htm> in general and more specifically for  
 14 the instant consideration:

15 Exhibit 1:

16 A true and correct copy printed directly from the SEC website of the  
 17 CWMBS, Inc – 424B5 Trust Prospectus Supplement of the  
 18 CHL MORTGAGE PASS-THROUGH TRUST 2005-7  
 19 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-7

20 [http://edgar.sec.gov/Archives/edgar/data/906410/000095012905000802/  
 21 v04620e424b5.txt](http://edgar.sec.gov/Archives/edgar/data/906410/000095012905000802/v04620e424b5.txt) - “Servicing of Mortgage Loans” (Pages 1, 7 and 84)

1 The very same trust as identified in Defendant's Exhibit B (Doc 7-1, pgs 28-  
 2 29) identified as **ASSIGNMENT OF DEED OF TRUST** executed 6/6/2011  
 3 and recorded on June 13, 2011 in said public repository, the Office of the  
 4 San Diego County Recorder identified by DOC # 2011-0300032.  
 5

6 Exhibit 2:

7  
 8 A true and correct copy printed directly from the SEC website of the  
 9 CWMBS, Inc – 8K For 1-30-2005 EX-99.1 – Pooling and Servicing  
 10 Agreement for the CHL MORTGAGE PASS-THROUGH TRUST  
 11 2005-07, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES  
 12 2005-07  
 13

14 <http://www.secinfo.com/drtj.z2C3.d.htm#3to>  
 15 (pg 6: par 1, pg 11: par 1, pg 43: sentence 3)  
 16

17 Exhibit 4

18 A true and correct copy printed directly from the SEC website of the  
 19 CWMBS, Inc - Form 15D - SEC Termination of Registration  
 20

21 [http://edgar.sec.gov/Archives/edgar/data/1316264/000090514806000565](http://edgar.sec.gov/Archives/edgar/data/1316264/000090514806000565/efc6-0074_5816196form1515d.txt)  
 22 [/efc6-0074\\_5816196form1515d.txt](http://edgar.sec.gov/Archives/edgar/data/1316264/000090514806000565/efc6-0074_5816196form1515d.txt)  
 23

24 Through this link one can locate the Form 15D reflected in Plaintiff's  
 25 Motion for Reconsideration as Exhibit 4. The Court can further see from the  
 26 SEC site above showing the public records in the 424B5 prospectus Exhibit  
 27  
 28

1 and in the Pooling and Servicing Agreement Exhibit 2 that the named  
entity that is Master Servicer under the P&SA associated with Defendant's  
Exhibit B (Doc 7-1, pgs 28-29) is Countrywide Home Loans Servicing, LP  
as of January 30, 2005.

- b. The records of FEDERAL RESERVE SYSTEM'S repository of data  
compiled by its NATIONAL INFORMATION CENTER, (hereafter: NIC)  
where link repository provides at its live link:

Exhibit 3

A true and correct copy printed directly from the Federal Reserve Board-  
NIC website of the BAC Home Loans Servicing, LP - Institution History  
[http://www.ffiec.gov/nicpubweb/nicweb/InstitutionHistory.aspx?parID\\_R](http://www.ffiec.gov/nicpubweb/nicweb/InstitutionHistory.aspx?parID_RSSD=3035311&parDT_END=20110630)  
[SSD=3035311&parDT\\_END=20110630](http://www.ffiec.gov/nicpubweb/nicweb/InstitutionHistory.aspx?parID_RSSD=3035311&parDT_END=20110630)

The Federal Reserve Systems NIC site link above shows that the Master  
Servicer was renamed on April 27, 2009 when the official name of said  
entity became: BAC Home Loans Servicing, LP. **The above website is  
common knowledge of those in the industry.** Below is a copy from the  
website confirming the above statement.

**Event**

**Historical Event**

**Date**

2001-05-18 COUNTRYWIDE HOME LOANS SERVICING LP located at PLANO, TX was established as a Domestic Entity Other.

2009-04-27 COUNTRYWIDE HOME LOANS SERVICING LP was **renamed** to BAC HOME LOANS SERVICING, LP.

2011-07-01 BAC HOME LOANS SERVICING, LP was **acquired** by BANK OF AMERICA, NATIONAL ASSOCIATION.

Date: March 10, 2014

  
Julio Mayen, Plaintiff